

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAELON HILL-JOHNSON,)	
)	
Petitioner,)	Civil Action No. 18-1363
)	Judge Marilyn J. Horan/
v.)	Magistrate Judge Maureen P. Kelly
)	
ORLANDO HARPER,)	
)	
Respondent.)	

ORDER

Daelon Hill-Johnson (“Petitioner”) is currently housed in the Allegheny County Jail. Petitioner has filed what purports to be a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (the “Petition”). By means of the Petition, he seeks to challenge his conviction obtained in this Court by means of a guilty plea before the Honorable Arthur J. Schwab on February 15, 2018. USA v. Hill-Johnson, 2:17-cr-226-AJS-1 (W.D. Pa. ECF No. 46). Petitioner pleaded guilty to a drug possession charge and a firearm violation. Petitioner has not yet been sentenced.

The case was referred to Magistrate Judge Maureen Kelly in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Civil Rules 72.C and D.

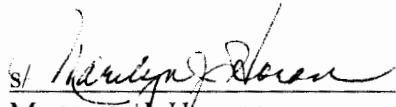
Magistrate Judge Kelly’s Report and Recommendation, ECF No. 2, filed on November 1, 2018, recommended that the Petition be dismissed before being served because the Petition is not jurisdictionally proper given that Petitioner has not yet been sentenced, has not yet filed a Section 2255 Motion and he may yet do so. Petitioner was informed that he could file Objections to the Report by November 19, 2018. No Objections were filed.

AND NOW, this 36th day of November 2018, after de novo review of the record in this case including the Report and Recommendation;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus, is DISMISSED. No decision need be made concerning a Certificate of Appealability given that a Certificate of Appealability is inapplicable to Section 2241 Petitions filed by federal convicts challenging their convictions.

IT IS FURTHER ORDERED that the Report and Recommendation, ECF No. 2, of Magistrate Judge Kelly, dated November 1, 2018, is adopted as the opinion of the Court.

The Clerk is to mark the case closed.


MARILYN J. HORAN
UNITED STATES DISTRICT JUDGE

cc: The Honorable Maureen P. Kelly
United States Magistrate Judge

DAELON HILL-JOHNSON
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